

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

TERRI BRAUN,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. CV419-101
)	
CADENCE HEALTHCARE SOLUTIONS,)	
LLC; WOODLANDS HEALTHCARE AND)	
REHAB, LLC; and TRENT TOLBERT;)	
)	
Defendants.)	
)	
)	

O R D E R

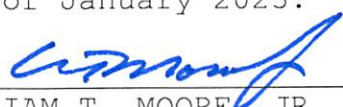
Before the Court is Plaintiff Terri Bruan and Defendants Cadence Healthcare Solutions, LLC, Woodlands Healthcare and Rehab, LLC, and Trent Tolbert's Stipulation of Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (Doc. 99.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), a plaintiff may dismiss an action by filing "a stipulation of dismissal signed by all parties who have appeared." Defendant Tolbert signed the stipulation for Defendants Cadence, Woodlands, and himself. (Doc. 99 at 1.)

On October 12, 2022, in light of the fact that Defendants Cadence and Woodlands were unrepresented corporate entities, the Magistrate Judge directed Defendants Cadence and Woodland to retain counsel. (Doc. 93 at 1-2); Potter v. Altman, 647 F. App'x 974, 976 (11th Cir. 2016) ("It is well settled that a corporate

entity must appear and litigate through counsel, and cannot proceed pro se." (citing Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir. 1985))). No counsel has appeared on behalf of either Defendant, but Plaintiff filed a notice of settlement on November 13, 2022. (Doc. 95.)

Because Defendants Cadence and Woodlands were directed to retain counsel to proceed in this matter, Defendant Tolbert's signature does not satisfy the requirement that the stipulation be signed by all parties who have appeared. Thus, the parties' stipulation of dismissal is deficient. Notwithstanding, pursuant to Federal Rule of Civil Procedure 41(a)(2), "an action may be dismissed at the plaintiff's request . . . on terms that the court considers proper." Because the court finds dismissal will not prejudice any party to this case, Plaintiff's request (Doc. 99) is **GRANTED**. Dismissal under this subsection is without prejudice unless the Court's order states otherwise. Here, the parties have not specified whether the dismissal is with or without prejudice. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 9th day of January 2023.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA